

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Anh H. Nguyen, *et al.*

Serial No.: 10/644,598

Confirmation No.: 5564

Filed: August 20, 2003

For: Electronically Actuated Valve

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Group Art Unit: 3753

Examiner: Unknown

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

| CERTIFICATE OF MAILING<br>37 CFR 1.8   |                                 |
|--|---------------------------------|
| I hereby certify that this correspondence is being deposited on September <u>29</u> , 2004, with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                                 |
| Date<br><u>9/29/04</u>   | Signature<br><u>[Signature]</u> |

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

This Petition is filed on behalf of Applied Materials, Inc. in order to revive the above-referenced patent application entitled "Electronically Actuated Valve." The Petition is filed pursuant to 37 CFR 1.137(b). Applied Materials has not received a Notice of Abandonment in connection with this application. Nevertheless, Applicant believes that the application has become abandoned, and that this Petition is necessary in order to proceed with prosecution of the above application.

This application is filed within twelve months of the believed date of abandonment. A PTO Form 64 is attached hereto. Authorization to charge applicant's deposit account number in the amount of \$1,330.00 is provided on the attached form.

In further support of this Petition, Applicant (Applied Materials, Inc.) would show the following:

The above-referenced Patent Application was filed with the Patent Office on August 20, 2003. A return postcard was submitted with the application, which was duly stamped and returned by the Initial Patent Examining division (IPE). A copy of the postcard is attached hereto as **Appendix A**.

On September 17, 2003, the IPE sent a Notice of Missing Parts. The Notice was directed to Applied Materials, Inc. in California. The mailing date was September 17, 2003. A copy of the Notice is attached hereto as **Appendix B**.

Applied Materials received the Notice of Missing Parts. The Notice advised that the required Oath from the inventors was needed, as well as the filing fee. The signature of inventor Alexander was obtained in March of 2004. However, signatures of the remaining four inventors were not received until August of 2004. As indicated in the statement on the attached form, signed by Mr. Robert W. Mulcahy of the Applied Materials Patent Department, the delay in obtaining the signatures and in filing a Response to the Notice of Missing Parts was at all times unintentional.

The signed Declaration is being provided with the separately filed Response to Notice to File Missing Parts.

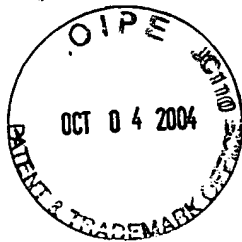
The undersigned counsel would add that he submitted a Status Inquiry with the Patent Office on August 19, 2004. No response to that Inquiry has been received. However, the undersigned counsel did speak to an Examiner approximately two weeks ago, at which time it was first learned by the undersigned counsel that the application may have gone abandoned. Thus, this filing is a result of counsel's investigation into the status of the application.

Respectfully submitted,



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Attorneys for Applicant, Applied Materials, Inc.



DOCKET No.: AMAT/7874/CPI/ALD/PTS  
SERIAL No.: To Be Assigned  
FILED: Monahan  
APPLICANT: Applied Materials  
INVENTOR: Nguyen, et al.

The Patent & Trademark Office acknowledges and has stamped hereon the date of receipt of the items checked below which were mailed August 20, 2003

- ☐ AFFIDAVIT
- ☐ AMENDMENT
- ☒ APPLICATION PAPERS - OATH/DECLARATION
- ☒ TOTAL CLS. 41 IND. CLS. 3 FEE \$
- ☒ 4 SHEET(S) OF DRAWING(S) FORMAL/INFORMAL
- ☐ ASSIGNMENT-RECORDAL FEE \$
- ☐ BRIEF
- ☐ APPEAL NOTICE
- ☐ DECLARATION
- ☐ ISSUE FEE - BASE/BALANCE
- ☐ LETTER - CHARGE DEPOSIT ACCOUNT
- ☒ LETTER
- ☐ TRADEMARK/SERVICEMARK APPLICATION
- ☐ PETITION
- ☐ PRELIMINARY AMENDMENT
- ☐ INFORMATION DISCLOSURE STATEMENT
- ☐ REQUEST FOR EXTENSION OF TIME
- ☐ RESPONSE TO
- ☐ SPECIMENS
- ☐ SMALL ENTITY
- ☐ CHECK # IN THE AMOUNT OF \$
- ☒ Postcard
- ☐

03942 U.S. PTO

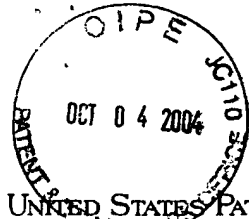
10/64598



08/20/03

EXPRESS MAIL # \_\_\_\_\_ MAIL LOG# 14995

PLB



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UNITED STATES DEPARTMENT OF COMMERCE  
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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/644,598         | 08/20/2003             | Anh H. Nguyen         | AMAT/7874/CPI/ALD/PJS  |

CONFIRMATION NO. 5564

PATENT COUNSEL  
 APPLIED MATERIALS, INC.  
 Legal Affairs Department  
 P.O. Box 450A  
 Santa Clara, CA 95052

## FORMALITIES LETTER



\*OC000000010891164\*

Date Mailed: 09/17/2003

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 750 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of **\$378** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

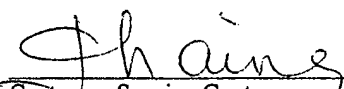
Total additional fee(s) required for this application is **\$1258** for a Large Entity

- **\$750** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$378**
  - **\$378** for **21** total claims over 20 .

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE